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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/442,568	11/18/1999	FRANK DIMEO JR.	401	6099	
7590 02/22/2005			EXAMINER		
OLIVER A ZITZMANN			PHAM, HOA Q		
ATMI INC 7 COMMERCE DRIVE			ART UNIT	PAPER NUMBER	
DANBURY, CT 06810			2877		
		DATE MAILED: 02/22/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)	
09/442,568	DIMEO ET AL.	
Examiner	Art Unit	
Hoa Q. Pham	2877	

Advisory Action	09/442,308	DIMEO ET AL.				
Before the Filing of an Appeal Brief	Examiner	Art Unit				
	Hoa Q. Pham	2877				
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress			
THE REPLY FILED 04 February 2005 FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	OR ALLOWANCE.				
THE REPLY FILED <u>04 February 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires <u>4</u> months from the mailing date of the final rejection.						
event, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(1)	. ONLY CHECK BOX (b) WHEN THE FI).	RST REPLY WAS FILE				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL						
2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS						
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brie	f, will <u>not</u> be entered l	because			
(a) 🔯 They raise new issues that would require further co	•	TE below);				
(b) They raise the issue of new matter (see NOTE below	• •					
(c) They are not deemed to place the application in be	tter form for appeal by materially re	educing or simplifying	the issues for			
appeal; and/or	angram and in a number of finally re	instad alaima				
(d) They present additional claims without canceling a		jected claims.				
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).						
5. Applicant's reply has overcome the following rejection(s		omphant Amendment	(I IOL-024).			
6. Newly proposed or amended claim(s) would be a		, timely filed amendm	nent canceling			
the non-allowable claim(s).						
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proof The status of the claim(s) is (or will be) as follows:		ill be entered and an	explanation of			
Claim(s) allowed:						
Claim(s) objected to: Claim(s) rejected: <u>30-32,35-45 and 71-74</u> .						
Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
 The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good are and was not earlier presented. See 37 CFR 1.116(e). 						
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).						
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after o	entry is below or attac	ched.			
11. The request for reconsideration has been considered by	ut does NOT place the application i	n condition for allowa	ince because:			
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08 or PTO-1449) Paper	11/1				
	/	/ Holá Q. Pham Primary Examiner Art Unit: 2877				

U.S. Patent and Trademark Office PTOL-303 (Rev. 9-04)

Continuation of 3. NOTE: The limitation "wherein the light source, the optical filter and the light detector are constructed and arranged so that..." in claim 30 raises new issue that would require further consideration and/or search.